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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,062	07/30/2001	Keith Alexander Harrison	30006786-2	2570

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/07/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/918,062

Applicant(s)

HARRISON ET AL.

Examiner

Zachary A. Davis

Art Unit

2137


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 23 October 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


ZACHARY A. DAVIS
SUPERVISOR, APPEALS SECTION

Continuation of 10. Other (including any explanation in support of the above items): Regarding item 1 above, the present Appeal Brief incorrectly states that there are no related appeals that will affect or be affected by a decision in this appeal (see page 2 of the present Appeal Brief). There is currently a docketed appeal in related application Serial No. 09/918,326 (Appeal No. 2007-3443). That application and the present application have the same named inventors and identical specifications. Further, the claimed subject matter overlaps, and at least the Mazzagatte reference, US Patent 6862583, has been applied and made of record in both applications. Applicant is required to identify all prior and PENDING APPEALS and other proceedings which MAY BE RELATED TO, directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal. See 37 CFR 41.37(c)(1)(ii), emphasis added. For the above reasons, application Serial No. 09/918,326 (Appeal No. 2007-3443) is considered, at minimum, to be related to the present appeal, and therefore must be identified as a related appeal. See also MPEP § 1205.02, noting that "commonly owned applications having common subject matter" is provided as one example of a related proceeding.

The Examiner notes that, under heading IV, Status of Amendments, Appellant has listed all amendments filed throughout the prosecution history of the present application (see pages 2-3 of the present Appeal Brief). However, it is only required by 37 CFR 41.37(c)(1)(iv) to provide a statement of the status of any amendment filed SUBSEQUENT TO FINAL rejection (emphasis added). It is noted that no amendments have been filed after final rejection. See also MPEP § 1205.02.